

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Nicholas D. Aune,

Plaintiff,

v.

Civil No. 09-15 (JNE/SRN)  
ORDER

Cal Ludeman, Commissioner, Minnesota  
Department of Human Services; Dr. Sanne  
Magnan, Commissioner, Minnesota  
Department of Health; Scott Leitz,  
Assistant Commissioner, Minnesota  
Department of Health; and Dennis Benson,  
Chief Executive Officer, Minnesota Sex  
Offender Program,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Susan Richard Nelson, United States Magistrate Judge, on May 12, 2009. The magistrate judge recommended that Plaintiff's Motion for an Emergency Temporary Restraining Order and a Preliminary Injunction and Motion to Appoint Counsel be denied and that Plaintiff's Motion to Expedite and Motion to Compel Defendants to Respond to Plaintiff's Motion for an Emergency Temporary Restraining Order and a Preliminary Injunction be denied as moot. Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See D. Minn. LR 72.2(b)*. Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's Motion for an Emergency Temporary Restraining Order and a Preliminary Injunction [Docket No. 3] is DENIED.
2. Plaintiff's Motion to Appoint Counsel [Docket No. 5] is DENIED.
3. Plaintiff's Motion to Expedite [Docket No. 9] is DENIED AS MOOT.

4. Plaintiff's Motion to Compel Defendants to Respond to Plaintiff's Motion for an Emergency Temporary Restraining Order and a Preliminary Injunction [Docket No. 15] is DENIED AS MOOT.

Dated: June 3, 2009

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge